

ORDER

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

1500.37

8/3/93

ACCEPTANCE OF PAYMENTS FROM NON-FEDERAL
SUBJ: SOURCES FOR OFFICIAL TRAVEL

1. PURPOSE. This order prescribes procedures for requesting approval for accepting payments by non-Federal sources in accordance with the Code of Federal Regulations, 41 CFR Part 304.1.
2. DISTRIBUTION. This order is distributed to branch level and above in the FAA headquarters and regions; to section level and above at the FAA Technical Center and the Aeronautical Center; and to resident directors. A limited distribution is made to all field offices and facilities; and copies are furnished to addressees on the ZAA-388 distribution list.
3. BACKGROUND. The General Services Administration (GSA) has implemented Section 302 of the Ethics Reform Act of 1989, P.L. 101-194 which expands the circumstances under which agencies may accept payment to employees for official travel. Previously the limited exceptions for acceptance of such payments were as follows:
 - a. Pursuant to 5 U.S.C. 4111, travel to a training seminar, meeting, or conference sponsored by a non-profit organization which is granted tax-exempt status under Section 5019c(3) of the Internal Revenue Code could be paid for by that entity;
 - b. Foreign travel paid by a foreign government under the foreign gift statute, 5 U.S.C. 7342; and,
 - c. Pursuant to the exercise of the Administrator's gift acceptance authority found in 49 U.S.C. 326, as amplified by Order 2700.20A, Gifts and Bequests.The implementation by GSA of the applicable provisions of the Ethics Reform Act of 1989 replaces the gift authority for attendance at meetings or similar functions but leaves a. and b. intact. The gift authority may still be used to accept travel payments in circumstances not covered by the GSA rule.
4. PROCEDURES.
 - a. Approval Authority Limited. Acceptance of payment of employee and spouse travel from a non-Federal source must be approved in advance by the Administrator after determining that the payment is:

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- (1) For travel relating to official duties.
- (2) For attendance at a meeting or similar function.
- (3) From a non-Federal source that is not disqualified on conflict of interest grounds.
- (4) If the source has interests that may be affected by the performance or non-performance of the employee's duties, then it is a "conflicting" non-Federal source. In this case, it must be determined that the FAA's interest in attendance at the event outweighs the potential conflict considering the following factors:
 - (a) The importance of the travel for the FAA.
 - (b) The nature and sensitivity of any pending matter affecting the interests of the conflicting non-Federal source.
 - (c) The significance of the employee's role in any such matter.
 - (d) The purpose of the meeting or similar function.
 - (e) The identity of other expected participants.
 - (f) The value and character of the travel benefits offered by the source, and any other relevant factors.
- (5) If reimbursement of travel costs are offered for the employee's spouse, that travel will contribute to the accomplishment of the purpose of the employee's travel.

b. Requests for approval. All requests for approval to accept payments for travel must be forwarded to the Office of Chief Counsel, General Legal Services Division, AGC-100, for review and forwarding to the Administrator for approval.

- (1) The format for the request and applicable declarations are in appendix 1.
- (2) The organization requesting approval will forward a copy of all requests approved by the Administrator to the Office of Accounting, Financial Information Division, AAA-500, and AGC-100.
- (3) ^{AFM-310} ~~AAA-500~~ will establish a file for each approved request.

c. Payment of Travel Expense. The non-Federal source may accommodate all travel expenses in kind, or may provide funds to reimburse the employee (and spouse) for some or all expenses incurred. Payment in kind means provision of transportation, lodging, meals, etc., without cost.

d. Receipt of payments. Any payments an employee receives under this authority are accepted on behalf of the FAA and must be submitted to the servicing accounting office with a copy of a report in the format in appendix 2.

(1) Servicing accounting offices will credit the appropriate FAA appropriation and forward a copy of the report submitted to AAA-500.

(2) Reimbursement for expenses incurred. Employees will submit Travel Vouchers, SF 1012, to the servicing accounting office to obtain reimbursement for themselves (and their spouses) for expenses not provided in kind by the non-Federal source. Employees must itemize expenses for which servicing accounting offices will make reimbursement payments as follows:

(a) If the non-Federal source has provided sufficient funds to cover all expenses incurred, reimbursement will be for actual expenses of the types for which reimbursement is authorized in FAA Order 1500.14A.

(b) If the non-Federal source has provided less funds than would be needed to cover all allowable types of expenses incurred, reimbursement will be for the greater of the amount provided by the non-Federal source or the amounts authorized in FAA Order 1500.14A.

(c) If the payment exceeds the travel expenses authorized and incurred, the excess shall be returned to the non-Federal source unless, the excess is designated as a gift to the Government.

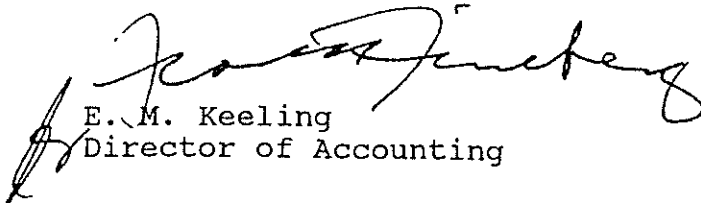
(3) AAA-500 will file the reports submitted by accounting offices with the approved request.

(4) AAA-500 will forward all reports to AGC-100 for review and action in cases where an approved request has not been received.

e. Semiannual reporting. AAA-500 will forward a copy of all approved requests and the applicable reports of payment received to the Office of the Secretary, Office of Financial Management, M-80, in accordance with the following schedule.

(1) By April 30 for the 6-month period beginning on October 1 through March 31.

(2) By October 31 for the 6-month period beginning on April 1 through September 30.



E. M. Keeling
Director of Accounting

SAMPLE MEMO REQUESTING APPROVAL OF ACCEPTANCE
OF TRAVEL PAYMENTS FROM A NON-FEDERAL SOURCE

Appendix 1

FROM: Office or Service Head

TO: The Administrator

THRU: The Deputy Administrator
The Chief Counsel

Under the provisions of 31 U.S.C 1353, as amplified by regulations found in 41 CFR Part 304-1, I recommend that you accept the offer of the payment of travel and transportation expenses by a non-Federal source under the circumstances described below. I attest that the travel relates to the official duties of the employee(s) who is/are slated to attend the event and have attached a certificate which you may execute to indicate your approval.

Identity of non-Federal source and a description of offer

Value of offer _____

Description of meeting or similar function in connection with which travel payments are offered: _____

_____Identity and title(s) of FAA employee(s) designated to attend the meeting or similar function as a part of official duties and the role(s) they will play here: _____

Would a reasonable person knowing the facts and circumstances of this travel situation have cause to question the integrity of agency programs or operations? (Yes or No) _____

Unless the answer is unequivocally "no", you should not recommend acceptance without some explanation of why the agency should take the risk of exposing itself to criticism.

CAUTION: In coming to a conclusion on this issue you should consider:

(1) whether the circumstances make it appear that it is the donor's intent to influence the employee or the agency in future actions or to reward the employee for past actions.

(2) the purpose of the meeting - e.g., is the employee's attendance likely to benefit the agency in his/her future performance?

(3) the identity of other expected participants - e.g., will employee gain an opportunity to meet and greet people who are affected by his/her duties.

(4) the nature and sensitivity of any matter pending at the agency affecting the source's interest - e.g., is there a contract award pending on which they have bid, or an exemption or a rulemaking in which they have an interest?

(5) the nature of the employee's role in that matter - e.g., is he/she an SEB member, or reviewing comment on the rule?

(6) the monetary value and character of the travel offer.

(7) the identity of the donor

If spousal travel is involved, enter a description of how the spouse's presence at the meeting or similar function will support the mission of the FAA or substantially assist the employee in the performance of his or her duties through attendance at, or participation in, the event. _____

Signature

Attachment

DECLARATION

I find that acceptance of payment from [the source] to cover the expense of [employee's name(s)] attending [the meeting or similar function] would not cause a reasonable person with knowledge of all the facts relevant to this situation to question the integrity of agency programs or operations. I have made this determination based on consideration of [discuss the following factors. It is not necessary that they be enumerated as they appear here; they simply should be touched upon as necessary to justify acceptance of the travel expenses].

- a. The nature and sensitivity of any pending matter affecting the interests of the source;
- b. The nature of the employee's role in any such pending matter;
- c. The purpose of the meeting or similar function;
- d. The identity of the other participants; and
- e. The value and character of the benefits offered;

(ADD IF SPOUSAL TRAVEL INVOLVED) I further find that the presence of his/her spouse at this event will support the mission of the FAA and substantially assist the employee in carrying out his/her duties through participation in this event.

I hereby accept the invitation from _____ for
on behalf of the agency under my authority found in 31 U.S.C.
1353. The value of this offer is \$_____.

Administrator

Date

REPORT OF PAYMENT OF TRAVEL EXPENSES BY A NON-FEDERAL SOURCEEMPLOYEE NAME: _____GOVERNMENT POSITION: _____NAME OF SPOUSE (if applicable): _____NAME OF THE PERSON OR ENTITY
MAKING THE PAYMENT: _____NATURE OF THE MEETING OR SIMILAR FUNCTION:
_____TIME AND PLACE OF TRAVEL: _____NATURE OF PAYMENTS RECEIVED BY CHECK (List amount by type):
_____TRANSPORTATION: _____LODGING: _____MEALS: _____OTHER (list below):
_____NATURE OF PAYMENTS IN-KIND (list estimated value by type):TRANSPORTATION: _____LODGING: _____MEALS: _____OTHER (List below):
_____Accounting Classification: _____/_____/_____/_____

The statements in this report are true, complete, and correct to the best of my knowledge and belief.

PRINT OR TYPE NAME AND TITLE: _____EMPLOYEE SIGNATURE: _____

CHANGEDEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

1500.37 CHG 1


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4. EXPLANATION OF CHANGES. This order revises the wording in FAA Order 1500.37, par. 4, b(2).

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E. M. Keeling
Director of AccountingDistribution: A-WX-3; A-YZ-4; A-E-1; A-FOF-O(LTD);
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